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In re Application of
Robins et al.
Application No. 10/529,106
PCT No.: PCT/US03/30386
Int. Filing Date: 25 September 2003
Priority Date: 25 September 2002
Atty. Docket No.: 49506.830001.US1(0007)
For: Method For The Preparation Of 2-
Halo-2'-Deoxyadenosine Compounds
For 2'-Deoxyguanosine

DECISION

This is in response to the "Response..." filed on 16 September 2005.

BACKGROUND

International application PCT/US03/30386 was filed on 25 September 2003, claimed a priority date of 25 September 2002, and designated the United States. The time period in which to pay the basic national fee in the United States expired at midnight on 25 March 2005. On 25 March 2005, applicants filed *inter alia* the basic national fee.

On 15 July 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), a surcharge under 37 CFR 1.492(h), an initial paper or compact disc copy of the "Sequence Listing," an initial computer-readable form ("CRF") of the sequence listing, an amendment directing its entry into the application, and a statement (if appropriate) that no new matter is present.

DISCUSSION

Regarding the requirement for a declaration in compliance with 37 CFR 1.497(a) and (b), counsel argues that a declaration of the inventors was filed on 09 January 2004 under PCT Rule 4.17(iv). However, inspection of the declaration filed under Rule 4.17(iv) reveals that it is defective because it does not identify the international application number to which it is directed. Therefore, the requirement for submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) still has not been satisfied.

With regard to the requirements for an initial paper or compact disc copy of the "Sequence Listing," an initial computer-readable form ("CRF") of the sequence listing, an amendment directing its entry into the application, and a statement (if appropriate) that no new matter is present, counsel argues that "no sequence listing is required to be filed. No nucleic acid or amino acid sequence is disclosed or claimed in the present application. Therefore, no sequence listing is required to be filed." In view of this assertion, the requirement for an initial paper or compact disc copy of the "Sequence Listing," an initial computer-readable form ("CRF") of the

sequence listing, an amendment directing its entry into the application, and a statement (if appropriate) that no new matter is present is hereby VACATED.

DECISION


The request to accept the declaration of the inventors is **DISMISSED**, without prejudice.

Applicants are required to file an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the later of (a) the period for response to the Form PCT/DO/EO/905 mailed on 15 July 2005 (as extended under 37 CFR 1.136(a), or (b) **ONE (1) MONTH** of the mailing date of this decision (**NOT** extendable under 37 CFR 1.136(a)), whichever expires later. Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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